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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/756,938	01/14/2004	Blaine H. Dolph	AUS920030919US1	3291

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Mr. Volel Emile
P.O. Box 202170
Austin, TX 78720-2170

EXAMINER

RAMAKRISHNAIAH, MELUR

ART UNIT PAPER NUMBER

2643

DATE MAILED: 11/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/756,938	DOLPH, BLAINE H.	
	Examiner	Art Unit	
	Melur Ramakrishnaiah	2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1-14-2004</u> . | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 5, 6, 11, 15-16, 21, 25-26, are rejected under 35 U.S.C 102(e) as being anticipated by Sabo et al. (US2003/0096626A1, filed 9-23-2002, hereinafter Sabo).

Regarding claims 1, 11, 21, Sabo discloses a method of delivering a text message from a digital telephone to a landline telephone comprising: sending the message from the digital telephone (12, fig. 1) to an intermediary device (18, fig. 1), the intermediary device for: making an audio file of the text message using a text-to-speech software module (24, fig. 1), automatically placing a call to the landline telephone (22, fig. 1), and playing the audio file when the call is answered (figs. 1-2, paragraphs: 0012-0013, 0025-0029, 0031-0032), code means for receiving the message when the message is sent from a digital telephone (12, fig. 1) to an intermediary device (18, fig. 1), code means for making an audio file of the text message using a text-to-speech software module (24, fig. 1), code means for automatically placing a call to the landline telephone, and code means for playing the audio file when the call is answered (figs. 1-2, paragraphs: 0012-0013, 0025-0029, 0031-0032).

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Regarding claims 5-6, 15-16, 25-26, Sabo further teaches the following: digital telephone (12, fig. 1) is a wireless phone, digital telephone is a landline telephone (22, paragraphs: 0025, 0031).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-4, 7-10, 12-14, 17-20, 22-23, 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sabo in view of Engelke et al. (US 2003/0125952A1, hereinafter Engelke).

Sabo differs from claims 2-3, 12-13, 22-23 in that he does not teach the following: if the landline telephone is a digital telephone both text message and the audio file are downloaded to the landline telephone, if the landline telephone includes a screen the downloaded text message is retrieved by displaying the text message on the screen.

However, Engelke discloses voice and text transmission system which teaches the following: if the landline telephone is a digital telephone both text message and the audio file are downloaded to the landline telephone, if the landline telephone includes a screen the downloaded text message is retrieved by displaying the text message on the screen (fig. 1, paragraphs: 0008, 0018).

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Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Sabo's system to provide for the following: if the landline telephone is a digital telephone both text message and the audio file are downloaded to the landline telephone, if the landline telephone includes a screen the downloaded text message is retrieved by displaying the text message on the screen as this arrangement would facilitate the user to have both text and voice as a means for receiving communications so that it would be useful for users with partial hearing problems to communicate with others as taught by Engelke.

Regarding claims 7 and 27, Sabo discloses a method of delivering text message from a digital telephone to a wireless telephone comprising: sending the message from a digital telephone (12, fig. 1) to an intermediary device (18, fig. 1) for making an audio file of the text message using a text-to-speech software module (24, fig. 1) and downloading message (figs. 1-2, paragraphs: 0012-0013, 0025-0029, 0031-0032).

Regarding claim 17, Sabo discloses a computer program product on a computer readable medium for delivering a text message from a digital telephone to a wireless telephone comprising: code means in (18, fig. 1) for receiving a message when it is sent from a the digital telephone (12, fig. 1) to an intermediary device (18, fig. 1), code means for making an audio file of the text message using a text-to-speech software module (24, fig. 1-2, paragraphs: 0012-0013, 0025-0029, 0031-0032).

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Sabo differs from claims 7, 17, and 27 in that he does explicitly teach the following: code/means for downloading the text message and the audio file to a wireless telephone when the wireless telephone is active.

However, Engelke teaches the following: code/means for downloading the text message and the audio file to a telephone when the telephone is active (fig. 1, paragraphs: 0008, 0018).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Sabo's system to provide for the following: code/means for downloading the text message and the audio file to a wireless telephone when the wireless telephone is active as this arrangement would facilitate the user to have both text and voice as a means for receiving communications so that it would be useful for users with partial hearing problems to communicate with others as taught by Engelke.

Regarding claims 4, 8-10, 14, 18-20, 28-30, Sabo teaches the following: download audio file message is retrieved by playing the audio file, digital telephone (12, fig. 1) is a wireless telephone, digital telephone (reads on 22, fig. 1) is a landline telephone (paragraphs: 0025, 0031).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melur Ramakrishnaiah whose telephone number is (571)272-8098. The examiner can normally be reached on 9 Hr schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curt Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Melur Ramakrishnaiah
Primary Examiner
Art Unit 2643